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MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, JANUARY 5, 2015, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901

Present for the Board: Thomas Mills, Rosanne McManus, William Morris, Barry Michelson, David Stein and Joanna Gwozdzowski. Present for staff: David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:10 pm.

PUBLIC HEARING

1. **Application 214-33 – HIGH RIDGE REAL ESTATE OWNER, LLC, Text change,** to Amend Article II, Section 3A, Definition 98.1 (Surgery Center/Out Patient) to clarify the term “gross floor area” and that authorization of special exceptions for said use exceeding 15, 000 s.f. rests with the Zoning Board; amend Article III, Section 9, BBB.2 to allow Surgery Center/Out Patient as a permitted use in the C-D District with a limitation of six (6) operating rooms/surgical suites; amend Section 9, BBB.3 to exempt emergency generators not exceeding eight feet in height, setback a minimum of 23 feet from the property line and adequately screened, from the calculation of non-porous surface area coverage, and amend Section 9 BBB.3 to require that emergency generators in the C-D District have a minimum 23 feet setback from the boundary line of a residential district (*continued from December 16, 2014*).
2. **Application 214-34 – HIGH RIDGE REAL ESTATE OWNER, LLC, 0 Turn of River Road, Final Site & Architectural Plans,** Applicant requests approval of Final Site plans for change of use from general office use of 14, 147 s.f. to a Surgery Center/Out Patient facility on the third floor of Building 5 and to install an emergency generator with landscaped screening in a C-D district (*continued from December 16, 2014*).

Mr. Mills opened the continued Public Hearing on these two applications and read a description of each into the record. Mr. Killeen distributed a letter from Attorney Ted O’Hanlan on behalf of the Applicant, requesting a continuation of this hearing to January 12, 2015. After discussion, this hearing was continued to Monday, January 12, 2015 at 7:00pm on the 4th floor, Cafeteria of the Government Center.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: December 16, 2014

Mr. Michelson presented several changes to pages 1 and 2. After a brief discussion, Mr. Stein moved to approve the minutes with modifications as submitted, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

PENDING APPLICATIONS:

1. **CSPR-967 – GUILTEC DEVELOPMENT, 334 Weed Avenue**, seeking approval to elevate and renovate an existing house in compliance with the new flood regulations, add a second and third story, new kitchen and family room of approximately 1,246 s.f. on 0.3935 acres in an R-10 district, within the CAM boundary.

Mr. Killeen summarized the application. The Board asked questions about the proposed fence, the landscape maintenance agreement and the requirements for property owners investing more than half of the appraised value of a property.

After a brief discussion, Ms. McManus moved to approve the Coastal Site Plan with conditions that Engineering and EPB concerns are satisfied, and subject to EPB approval of any proposed, or existing fence, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Morris, McManus, Michelson and Stein). The conditions will read as follows:

1) Work shall comply with the following plans and correspondence:

- *“Cover,” “Proposed Site Plan,” “Proposed First Floor Plan and Proposed First Floor Area,” “Proposed Elevations North and West,” “Proposed Elevations – South and East,” “Foundation Plan,” “Foundation Details,” “Cross Sections,” and “Cross Sections,” Butler Mullally Residence, 334 Weed Avenue, Stamford, Connecticut by Peter Cummings, Inc., revised November 22, 2014.*
- *“General Notes,” and “Foundation Details,” Butler Mullally Residence, 334 Weed Avenue, Stamford, Connecticut by Peter Cummings, Inc., revised November 5, 2014.*
- *“Existing First Floor Plan, Existing Second Floor Plan, Existing Foundation Plan and Existing Fly-over Views,” “Proposed Second Floor Plan and Proposed Second Floor Area,” “Proposed Attic Flood Plan and Proposed Attic Floor Area,” “Second Floor Framing Plan,” “Attic and Roof Framing Plan,” “Attic and Framing Details,” “Roof Framing Plan,” “Wind Details - 1,” “Wind Details - 2,” “Wind Details - 3,” “Wind Details - 4,” Butler Mullally Residence, 334 Weed Avenue, Stamford, Connecticut by Peter Cummings, Inc., revised June 27, 2014.*
- *“Zoning Location/Topographic Survey, 334 Weed Avenue, Stamford, Connecticut,” Prepared for Caroline Butler and Michael Mullally, by William Seymour and Associates, P.C., revised November 6, 2014.*

- *“Site Plan,” Prepared for Caroline Butler and Michael Mullally, 334 Weed Avenue, Stamford, Connecticut by LBM Engineering LLC, revised December 3, 2014.*
 - *“Landscaping Master Plan,” Butler/Mullally Residence, 334 Weed Avenue, Stamford, Connecticut, by Jackie Cameron Landscape Design, LLC, revised December 8, 2014.*
 - *“Engineering Report for Land Use Board Submittals, 334 Weed Avenue, Stamford, Connecticut, by LBM Engineering, LLC, revised November 6, 2014.*
 - *“Flood Evacuation and Preparedness Plan,” 334 Weed Avenue, Stamford, Connecticut, Prepared for Caroline Butler and Michael Mullally, dated November 2014.*
- 2) *Prior to the start of any site activity and issuance of a building permit, applicant shall revise the following plans/reports and submit for EPB Staff review and approval:*
- *Consistent application of floor and other pertinent elevations on all submitted plans in NAVD-88. It appears that the final elevations should be noted as follows: First Floor Dwelling: 16.4 feet NAVD-88 (wd), Proposed Addition: 15.3 feet NAVD-88 (tl), Proposed Porch: 15.0 feet NAVD-88 (bs), Basement Slab and Sill of Wall Openings: 10.75 feet NAVD-88, Unfinished Wall and Piers: 15.25 feet NAVD-88, and Exterior Grade at Wall Openings: 10.17 feet NAVD-88 (Civil, S1-S9). Note that the top of the unfinished walls and piers shall be noted on S1 in addition to any references to any details.*
 - *Revision of the “Flood Regulation Notes” to correctly reference the Minimum Elevation Standard of 15 feet NAVD-88 (S1).*
 - *Provide the unique foundation detail for space lying below the proposed mudroom (S1).*
 - *Review the slab elevation on “Foundation Detail 13” (S-1).*
 - *Individual basin sump elevations noted on the civil drawings in NAVD-88 (Civil).*
 - *Temporary catch basin protection (silt sack or other similar measure) during the construction added to civil drawing (Civil).*
- 3) *Within ninety (90) days of decision, the applicant shall revise the following and submit for EPB Staff review/approval:*

- *Engineer's/Architect's flood proof design for any new privacy fence, split rail fence driveway gates, dog run and other features reflected on the landscape plan or remove from the plan.*
 - *Revision of the Flood Preparedness Plan to confirm dwelling elevations in NAVD-88, verify the evacuation route, remove important emergency data from the file documents, and provide copies of both the final site plan and FIRM as attachments.*
- 4) *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, drainage, landscaping, professional supervision, and certifications. A detailed estimate of these costs shall be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.*
 - 5) *Work areas shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
 - 6) *Temporary erosion controls and any tree protection measures shall be installed and approved in writing by EPB Staff prior to the start of any site activity.*
 - 7) *Upon the completion of the modified foundation and prior to framing/replacement of the structure, submission of an interim improvement location survey/data accumulation plan by a Connecticut surveyor to confirm the elevation of the top of unfinished foundation walls, piers, pertinent floors, and the placement/elevation of wall openings, subject to the review and approval of EPB Staff.*
 - 8) *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other EPB approved alternatives prior to the issuance of certificate of occupancy. This condition applies not only to disturbed earth surfaces slated for landscaping but also to areas under any exterior decks, stairs, drives, etc.*
 - 9) *All final grading, drainage, utilities, final stabilization measures, and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer and land surveyor with an improvement location survey (surveyor) and written certifications (engineer) submitted to EPB Staff prior to the release of surety and signature authorizing the issuance of certificate of occupancy.*
 - 10) *All floodproofing shall be conducted under the supervision of a professional engineer or architect registered in the State of Connecticut. Upon the completion of the construction, and prior to the release of surety and signature authorizing the issuance of a certificate of occupancy, a Connecticut registered engineer or architect shall certify (signed and sealed correspondence) that the structure and all attendant facilities have been constructed in accordance with the provisions of Section 7.1 of the Zoning Regulations ("Flood Prone Area Regulations"), and are capable of*

withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. The letter of certification shall summarize each floodproofing measure incorporated into the building.

11) Upon the completion of the construction and prior to the release of surety and granting of a signature authorizing the issuance of a certificate of occupancy, a Connecticut registered professional surveyor shall:

- Certify (signed and sealed improvement location survey) the final elevation of: i) crawl floor level, ii) top of the unfinished concrete walls/piers, iii) primary living floor/porch level(s), iv) the sill elevation, size and exterior grade at all wall openings, v) bottom elevation of all meters, panels, and other similar devices, vi) top of elevated AC pad, and vii) other facilities as deemed appropriate by EPB Staff.*
- Complete a standard "National Flood Insurance Program Elevation Certificate."*

12) Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a certificate of occupancy, the applicant shall execute and file a standard, City of Stamford "Drainage Facilities Maintenance Agreement" on the Stamford Land Records.

13) Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a certificate of occupancy, the applicant shall execute and file a standard, City of Stamford "Landscape Maintenance Agreement" on the Stamford Land Records.

14) Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a certificate of occupancy, the applicant shall file a standard notice on the Stamford Land Records disclosing the following information.

- The subject property lies within a known flood hazard area described as Zone AE 14 feet NAVD-88" and VE, 14 feet NAVD-88 as shown on Flood Insurance Rate Map 09001C0517G, dated July 8, 2013.*
- A coastal site plan review (334 Weed Avenue, Butler/Mullally, CSPR 967, 12/14) was issued by the Zoning Board of the City of Stamford to elevate and renovate an existing single family dwelling and make associated site improvements on property known to support or lie proximate to the coastal resources identified as "Coastal Flood Hazard Zone," "Modified Escarpment," Tidal Wetlands," and "Embayment."*
- Acknowledge the existence of the revised "Flood Preparedness Plan."*
- Restrictions prohibiting uses and/or modifications to the fully enclosed areas below the limits of the minimum elevation standard of 15 feet NAVD-88 as to*

render them inconsistent with Stamford's Flood Regulations. Specific enforcement provisions for non-compliance shall be included.

15) In-ground fuel oil storage tanks are prohibited.

2. **CSPR-969– COLANGELO, 270 Ocean Drive East**, to construct a new two car garage, new swimming pool and internal renovations on an existing single-family residence located in an R-20 district, within the CAM boundary. Prior application approved 7-2-12 but project put on hold. Resubmission with no change in scope.

Mr. Killeen summarized the application.

After a brief discussion, Ms. McManus moved to approval the Coastal Site Plan with EPB conditions as noted in the Staff report dated December 18, 2014, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Morris, McManus, Michelson and Stein). The conditions will read as follows:

1) Work shall conform to the following plans/correspondence:

- *“House Addition Survey of Property Located at 270 Ocean Drive East, Stamford, Connecticut,” Prepared for Robert Colangelo, by Laferriere Associates, revised November 3, 2014.*
- *“Stormwater Management /CAM Plan,” Prepared for Robert Colangelo, 270 Ocean Drive East, Stamford, Connecticut by Trinkaus Engineering LLC, revised November 13, 2014.*
- *“Site Plan,” “Foundation Plan,” “First Floor Plan,” “”First Floor Plan,” “Second Floor Plan,” “Second Floor Plan,” “Exterior Elevations,” “Exterior Elevations,” “Exterior Elevations,” “Exterior Elevations,” “Exterior Elevations,” “Exterior Elevations,” Addition and Alteration to Residence of Robert Colangelo, by PB Architects, revised September 4, 2014.*
- *“Zoning Location Survey – Proposed Addition of Property at 270 Ocean Drive East, Stamford, Connecticut, Prepared for Robert Colangelo, by Laferriere Associates, dated August 27, 2012.*
- *Correspondence from Jacek Bigosinski, AIA, dated March 23, 2012, March 29, 2012 and May 10, 2012.*
- *Correspondence from Steven Trinkaus, P.E., Trinkaus Engineering LLC, dated March 28, 2012, and June 13, 2012.*

- 2) *Submission of a performance bond, certified check or other approved form of surety to secure the timely and proper performance of: a) temporary and permanent sediment and erosion controls, b) drainage, c) final stabilization measures and landscaping, d) professional supervision/certification of engineered elements and*

landscaping, and e) 15% contingency of the total. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.

- 3) Proposed work areas, including the building setback line, shall be staked in the field by a Connecticut licensed surveyor prior to the start of any site activity.
- 4) Sediment and erosion controls shall be installed in the manner and location shown on the permit plans prior to the start of any site activity and approved in writing by EPB Staff.
- 5) All disturbed areas shall be stabilized in accordance with the plans prior to the receipt of a certificate of occupancy/completion and return of the performance surety.
- 6) The approved landscaping plan shall be implemented under the supervision of a certified landscaping professional with written certifications submitted to the EPB prior to the receipt of a certificate of occupancy/completion and return of the performance surety.
- 7) All grading, drainage, final stabilization measures, and other engineered elements shall be completed under the supervision of a Connecticut Registered Professional Engineer and Land Surveyor with written certification (engineer) and an improvement location survey (surveyor) submitted to the EPB prior to the issuance of a final certificate of occupancy/completion and return of the performance surety.
- 8) Submission of a standard drainage facilities maintenance agreement for filing on the Stamford Land Records to ensure the full and proper function of structures within ninety (90) days of approval, prior to the issuance of a final certificate of occupancy/completion, and prior to any transfer of title.
- 9) Submission of a standard landscape maintenance agreement for filing on the Stamford Land Records to ensure the success of functional plantings within ninety (90) days of approval, prior to the issuance of a final certificate of occupancy/completion, and prior to any transfer in title.

OLD BUSINESS

1. **Appl. 214-01 – STAMFORD HOSPITAL and STAMFORD HEALTH SYSTEM, INC., Final Site & Architectural Plans,** The Stamford Hospital & Stamford Health System, Inc. request approval of the final design details for construction of an Integrated Care Pavilion (ICP) approximately 97,400 s.f. in size and 96± feet tall, consistent with the Amended General Development Plan (GDP), and associated parking and site improvements for property located at 30 Shelburne Road, in a Hospital Complex Design District (HCDD) (*request for time extension*).

Mr. Killeen read the request for a time extension.

Mr. Stein moved to approve this time extension to March 10, 2016, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Morris, McManus, Michelson and Stein).

2. **Appl. 208-06 Modification (S3)** – Walter Wheeler Drive SPE, LLC and the Strand/BRC Group, LLC approval of Modifications to approved Final Site and Architectural Plans and/or Requested Uses and Coastal Site Plan: Condition #3 final exterior building lighting plan and illumination levels (*administrative review*).

Attorney John Freeman, for the Applicant, made a presentation. Mr. Killeen pointed out that the system seemed to allow the light to be in multiple colors. Attorney Freeman confirmed that fact.

Mr. Stein asked why the Harbor Management Commission was unable to act on this. Mr. Freeman commented that someone was present at the Harbor Management Commission meeting for BLT but was unaware they were discussing this item. He stated the lights do not face the harbor. Mr. Morris said he was the one who initially asked that this be referred to the HMC when the original plan included lighting both sides of the building. With the revision to restrict lighting to the north side of the buildings, away from the harbor, he was satisfied with BLT's response to the issue.

Other Board Members were concerned about acting on this item without HMC input.

Mr. Morris made a motion to approve modification of Appl. 208-06 to allow the building lighting as proposed by Attorney Freeman with the condition that the lighting will not show towards the direction of the water and will not impact on the harbor, seconded by Ms. McManus and the motion carried 3:0:2 (Mills, Morris, McManus approving; Stein and Michelson abstaining.)

NEW BUSINESS

Mr. Michelson raised two items:

Marijuana Moratorium: he pointed out that the moratorium comes up in March and the Board should be prepared. Mr. Stein stated that there are medicinal uses for marijuana for which the City should be prepared. He offered to begin working with Staff to draft a regulation.

DOT Presentation: Mr. Michelson provided a list of reasons he believes the Land Use Board should not participate in this presentation. He does not believe it's appropriate for the Boards to engage in a presentation with a developer who may seek Zoning Board approval in the future. Mr. Killeen circulated a preliminary verbal opinion from Attorney Jim Minor, City Law Department, which suggested preliminary review meetings were acknowledged as acceptable and nonbinding under State statute. After further discussion, the Board agreed to entertain the State presentation on January 12, assuming the presentation was also acceptable to Corporate Counsel Kathryn Emmett, subject to two conditions:

The notice will be circulated no later than Tuesday, January 6.
The presentation will be made by the State and not the developer.

Ms. McManus asked that the Board of Representatives be notified as well. Mr. Michelson opposed the presentation.

There being no further business, the meeting adjourned at 8:21 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board